



General Assembly

January Session, 2013

Amendment

LCO No. 7400

HB0649907400HR0

Offered by:

REP. SAMPSON, 80th Dist.

To: Subst. House Bill No. 6499

File No. 223

Cal. No. 166

"AN ACT CONCERNING CHILDREN'S RIGHTS AND THE RESULTS-BASED ACCOUNTABILITY ASSESSMENT PROGRAM."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2013*) (a) For purposes of this
4 section, "foreign law" means any law, legal code or system established
5 and used or applied in a jurisdiction outside of the states or territories
6 of the United States.

7 (b) It shall be a violation of the public policy of this state for a court,
8 arbitrator, administrative agency or other adjudicative, mediation or
9 enforcement authority to base a ruling or decision in any matter at
10 issue, in whole or in part, on any foreign law if such ruling or decision
11 would violate a person's rights guaranteed by the Constitution of this
12 state or the United States Constitution. Any such ruling or decision
13 that violates this subsection shall be void and unenforceable.

14 (c) If a resident of this state who is subject to personal jurisdiction in

15 this state seeks to maintain litigation, arbitration, administrative or
16 similarly binding adjudicative proceedings in this state, it shall be a
17 violation of the public policy of this state for a court to find that it is an
18 inconvenient forum if such a finding would violate a person's rights
19 guaranteed by the Constitution of this state or the United States
20 Constitution. Any ruling or decision that violates this subsection shall
21 be void and unenforceable.

22 (d) It shall be a violation of the public policy of this state for a
23 contract, arbitration agreement or other agreement to provide for the
24 choice of a foreign law to govern the interpretation, enforcement or
25 resolution of any claim under such contract, arbitration agreement or
26 other agreement if the foreign law chosen, as applied to such contract,
27 arbitration agreement or other agreement, would violate a person's
28 rights guaranteed by the Constitution of this state or the United States
29 Constitution. A choice of law provision in any such contract,
30 arbitration agreement or other agreement that violates this subsection
31 shall be void and unenforceable.

32 (e) It shall be a violation of the public policy of this state for a
33 contract, arbitration agreement or other agreement to provide for the
34 choice of a venue or forum outside of any state or territory of the
35 United States if the foreign venue or forum chosen, as applied to such
36 contract, arbitration agreement or other agreement, would violate a
37 person's rights guaranteed by the Constitution of this state or the
38 United States Constitution. A choice of venue or forum provision in
39 any such contract, arbitration agreement or other agreement that
40 violates this subsection shall be void and unenforceable.

41 (f) Without prejudice to any other legal right, this section shall not
42 apply to a corporation, partnership, limited liability company or any
43 other form of business association or legal entity that is a party to a
44 contract or agreement subject to foreign law in a jurisdiction other than
45 this state or any of the states or territories of the United States.

46 (g) The provisions of this section shall not apply to any church or

47 religious sect, society or denomination with respect to matters that are
48 purely ecclesiastical in nature when the exercise of jurisdiction by the
49 courts of this state over such matters would be contrary to the rights
50 guaranteed by the Constitution of this state or the United States
51 Constitution.

52 (h) The provisions of this section shall not be construed to conflict
53 with any federal treaty or other international agreement to which the
54 United States is a signatory to the extent that such treaty or other
55 agreements control over the law of this state."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2013	New section